# Exhibit J

![Gmail logo] Gmail                                         Gabe Anderson <gabe@consovoymccarthy.com>

## SFFA v. Naval Academy

**Yang, Catherine M (CIV)** <Catherine.M.Yang@usdoj.gov>                    Wed, Jan 31, 2024 at 9:39 AM
To: Thomas McCarthy <tom@consovoymccarthy.com>
Cc: Michael Connolly <mike@consovoymccarthy.com>, "Gardner, Joshua E (CIV)" <Joshua.E.Gardner@usdoj.gov>, Cam
Norris <cam@consovoymccarthy.com>, Patrick Strawbridge <patrick@consovoymccarthy.com>, Gabe Anderson
<gabe@consovoymccarthy.com>, "Gargeya, Medha (CIV)" <Medha.Gargeya@usdoj.gov>, "Carmichael, Andrew E. (CIV)"
<Andrew.E.Carmichael@usdoj.gov>, "Mendez, Chris E. (CIV)" <Chris.E.Mendez@usdoj.gov>, Bryan Weir
<bryan@consovoymccarthy.com>

Tom,

I've answered below questions 1, 2, and 7 based on the information we currently have. I am happy to pass along the
remainder to the Academy for their input, though asking for answers now will take them away from their current work in
exporting the data you're requesting. We'd suggest having the Academy focus on finishing the exports they are working
on so that your experts can have the data as soon as possible, and then engage on any questions that remain at that
time.

Best,

Catherine

---

**From:** Thomas McCarthy <tom@consovoymccarthy.com>
**Sent:** Tuesday, January 30, 2024 3:35 PM
**To:** Yang, Catherine M (CIV) <Catherine.M.Yang@usdoj.gov>
**Cc:** Michael Connolly <mike@consovoymccarthy.com>; Gardner, Joshua E (CIV) <Joshua.E.Gardner@usdoj.gov>; Cam
Norris <cam@consovoymccarthy.com>; Patrick Strawbridge <patrick@consovoymccarthy.com>; Gabe Anderson
<gabe@consovoymccarthy.com>; Gargeya, Medha (CIV) <Medha.Gargeya@usdoj.gov>; Carmichael, Andrew E. (CIV)
<Andrew.E.Carmichael@usdoj.gov>; Mendez, Chris E. (CIV) <Chris.E.Mendez@usdoj.gov>; Bryan Weir
<bryan@consovoymccarthy.com>
**Subject:** Re: [EXTERNAL] Re: SFFA v. Naval Academy

Thank you for your email, Catherine.

We appreciate this initial step but remain very concerned about the timing here given that the schedule governing this
litigation is built around the timing of the production of the five years of individual-level admissions data and the expert
work to be performed using that data.

We have a number of questions about your proposal:
1. Of the 20 fields identified below in your email, it is important for us to know more about the "instances where data is not
available" – what would be the reasons why there is missing data and what is the scope of these "instances"?

There are three reasons we currently know of for why data may not be available. The data includes applicants who never
completed their applications, so there may be instances where the database does not include data because that
information was not provided by the applicant. Similarly, applicants may have declined to provide certain information or a
question may not have been applicable to them, and so there may be instances where the data field does not include data
because that information was not provided by the applicant. Third, the Academy transitioned from a legacy system to its
current system around the Class of 2025, and there may be instances where data from the legacy system was not
migrated to the current system. The Academy is continuing to look into that, and may well be able to address the issue.
This is why we suggested discussing if and as needed, once we have the data export.

2. While the "BART" tab of the AIS data dictionary certainly appears to contain highly relevant fields, what about the rest of the data fields? There are 28 other tabs in that same data dictionary (file ending in -102), many of which appear to contain relevant data fields (e.g., Application, Recommendations (AIS), RAB Adjustments, Nominations, Extracurricular Activities, Test, just to name a few). And there are another 15 tabs in the -101 file, many of which appear to contain relevant fields too. Defendants produced these two files and asked us which fields we believed were necessary for production but now propose to limit production to essentially one tab worth of fields. Why is that?

As you can see from the BART tab, BART pulls data from numerous other Objects within the database (aka tabs in the data dictionary), including from Application, Recommendations, RAB Adjustments, Extracurriculars, Tests, etc. Nomination information (and other information) is in the other portion of the database that the Academy is extracting, as indicated by the fields we identified. Together, those are the two portions of the database we have identified that Admissions uses when making decisions on appointments. The other file you reference is the data dictionary for the legacy system, which the Academy transitioned out of in 2021.

3. Relatedly, for some tabs (e.g., RAB Adjustments), there appear to be a subset of those fields in the BART tab (Fields 344-48 in the BART tab appear to be the same as fields in the RAB Adjustments tab). In such instances, is it Defendants' position that the other RAB Adjustments fields are not relevant?
4. There is a set of data fields in the BART tab that appear to be components of the WPM (fields 281 to 294). Are they indeed components of the WPM? If so, is this the entire set of all components in the WPM?
5. Because many of the data fields are indecipherable to us, it is unclear whether there are any fields in the BART tab (or anywhere in the -101 and -102 files, for that matter) that include information about LOAs (which Defendants' declarations describe as an important part of the admissions process). Could you please identify which fields relate to LOAs?
6. Race-neutral alternatives are obviously an important issue in this case. It's not clear to us which fields relate to race-neutral alternatives (or if any are in the BART tab). Could you identify those for us?
7. In your email below, you propose to produce data on a rolling basis. It's unclear to us (and our experts) whether a rolling production will enable expert work to start any sooner, although this may depend on how the data arrives. Can you explain how you propose to do this (e.g., one year at a time? Or certain fields at once for all years?)?

The Academy is currently working on two sets of exports, one for each of the portions of the database discussed below. My understanding is that each set of exports will contain data for the Classes of 2023-2027, and that each set may come to us on a rolling basis. If that understanding changes, we will let you know.

[Quoted text hidden]
[Quoted text hidden]